

Attorney Mortimer, Steven R. (for Administrator Roque Rodriguez)

Probate Status Hearing Re: Filing Proof on Increased Bond

DOD: 12/15/1995		NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR <i>Rider Increasing Bond filed 8/31/2015.</i>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/11/15
		Updates:
		Recommendation:
		File 1 – Rodriguez

Attorney Rube, Melvin K. (for Administrator Mardell E. Stovall)

**Probate Status Hearing For Failure to File the Inventory and Appraisal and
Failure to File the First Account or Petition for Final Distribution**

DOD: 1/31/1997		MARDELL E. STOVALL , daughter, was appointed Administrator with Full IAEA authority without bond on 1/12/2007 , and Letters issued on that date.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		<p>Notice of Status Hearing filed 7/16/2015 set a status hearing on 9/16/2015 for failure to file the inventory and appraisal and failure to file a fist account or petition for final distribution.</p> <p>Status Report of Melvin K. Rube filed 9/3/2015 states:</p> <ul style="list-style-type: none"> At the time the petition for letters of administration was granted and letters were issued to Mardell E. Stoval, the estate contained no assets; The purpose of establishing an estate was to allow Mardell Stovall as Administrator of the estate to filed petition to determine succession to real property on North Avenue in Fresno, owned by MOSES RANDOLPH at his death but was never probated; Decedent was the sole surviving heir of Moses Randolph; He believes that Mardell Stoval developed cancer subsequent to the issuance of Letters to her on 1/12/2007, and did not want to deal with legal proceedings until after her treatment for the cancer was completed; <p align="center">~Please see additional page~</p>	<ol style="list-style-type: none"> <i>Status Report</i> filed on 9/3/2015 is not verified pursuant to Probate Code § 1021, CA Rule of Court 7.103 and Local Rule 7.5. <i>Status Report</i> filed 9/3/2015 appears to be presented as a petition for relief, i.e., to be relieved as attorney of record, which would require payment of a filing fee. A <i>Motion to be Relieved as Counsel</i> has not been filed by Attorney Rube. Further, if the Court considers the <i>Status Report</i> filed 9/3/2015 as such a request by Attorney Rube, and he is relieved as counsel, no person will exist to close this apparently insolvent estate, as the personal representative is deceased. Probate Code § 10953(c) provides if a personal representative dies and no legal representative is appointed for the deceased personal representative, the court may compel the attorney for the deceased personal representative or the attorney of record in the estate proceeding to file an account of the administration of the deceased personal representative.
Aff.Sub.Wit.			
Verified	X		
Inventory			
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Notice of Hrg			
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Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
✓ Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 9/11/15	
		Updates:	
		Recommendation:	
		File 2 – Horton	

Status Report of Melvin K. Rube filed 9/3/2015, continued:

- On 2/18/2008, he submitted an Inventory and Appraisal and cover letter to Probate Referee **STEVEN DIEBERT** for the purpose of attaching the completed inventory and appraisal to the petition to determine succession that Mardell Stoval was going to file in order to have the real property conveyed to the Estate of Dorothy Horton; for some reason, Steven Diebert did not return the inventory and appraisal (*copy of letter to Mr. Diebert attached*);
- From ~March 2008 through spring 2009, he was dealing with a recurrence of his wife's brain cancer and ultimate death in January 2009 and was not diligent in following up in this case, and he takes full responsibility for this inaction;
- On 7/7/2009, he followed up with Mr. Diebert and submitted another Inventory and Appraisal and cover letter to Mr. Diebert (*copy attached*), and the inventory and appraisal was immediately completed by Mr. Diebert and returned to his office;
- He prepared the petition to determined succession after receiving the inventory and appraisal from Mr. Diebert, and attempted to contact Mardell Stoval by telephone so that she could sign the petition;
- After numerous attempts to reach Mardell Stoval by telephone, he sent the petition to her and his letter dated 7/29/2009 (*copy attached*);
- On 8/20/2009, Mardell Stoval, as Administrator of the Estate of Dorothy Horton, filed a petition to determine succession in the Estate of Moses Randolph, Case #09CEPR00689, with an attached inventory and appraisal of the real property (*copy of inventory and appraisal attached*);
- On 10/2/2009, the Court granted the petition to determine succession in Case #09CEPR00689 (*copy of order attached*); he did not learn until several months later that Mardell Stoval had died;
- On 5/26/2011, he met with **ALEX WILLIAMS**, a child of Decedent Dorothy Horton, and sister of Mardell Stoval, and **CLIFTON FRANKLIN**, grandchild of Decedent Dorothy Horton, and discussed with them that they or someone else had to file a petition to become successor administrator and the estate brought to a close; neither one of them wanted to file but told me they would get back to him, which they never did;
- On 10/10/2012, he sent a letter to all beneficiaries of the estate explaining one of them needed to become successor administrator and the estate brought to a close (*copy of letter attached*), and he received no response to that letter;
- He met with Alex Williams on 8/17/2015 in response to a phone call to him on 8/13/2015, and he was not inclined to become successor administrator; he sent another letter to all beneficiaries on 8/17/2015 with a copy of the Notice of Status Hearing [*filed 7/16/2015*]; as of the date of this status report [9/3/2015] he has received no response;
- This case is fraught with complications; the only asset of the estate is the real property on North Avenue in Fresno which is encumbered with unpaid sewer liens and tax defaults and notices of nuisance abatement;
- Since Mardell Stoval survived Dorothy Horton, the interest of Mardell Stoval in the subject real property would have to pass to her estate;
- He is informed that the Estate of Mardell Stoval has never been probated, so an estate for her would have to first be established, which he has no control over;
- He would like to be relieved as attorney of record in this case as the person who retained him, Mardell Stoval, is deceased, and if any one of the beneficiaries of Dorothy Horton requested his representation of them as the successor administrator of this case, he would decline;
- He hereby waives any and all attorney's fees to which he is entitled.

3 Lois Elaine Frame (Estate)**Case No. 06CEPR01232****Attorney Matsumoto, Russell D. (for Ted R. Frame – Executor)****Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution**

DOD: 05/27/1999	TED R. FRAME , was appointed Executor with full IAEA authority without bond on 01/23/2007.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 01/23/2007	
	Final Inventory and Appraisal was filed on 07/12/2007 showing an estate valued at \$84,100.00.	1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from	First Account and/or Final Distribution was due on 03/2008.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Notice of Status Hearing set this matter for the failure to file a First Account or Petition for Final Distribution. Notice was mailed to Russell Matsumoto and Ted R. Frame on 07/16/2015.	
Aff.Mail		
Aff.Pub.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 09/14/2015
		Updates:
		Recommendation:
		File 3 - Frame

4 Mark Lawrence Maffeo (GUARD/E)Case No. 12CEPR00542

Attorney Horton, Lisa (for Marleen Coronel Maffeo – Guardian)

Probate Status Hearing Re: Filing Second Accounting

	MARLEEN C. MAFFEO , Mother, was appointed Guardian of the Estate with bond of \$335,000.00 on 7-18-12.	NEEDS/PROBLEMS/COMMENTS: 1. Need Second Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	Bond was filed 9-12-12.	
Cont. from		
Aff.Sub.Wit.	Additional Bond was filed on 06/24/2014.	
Verified		
Inventory	First Account was filed on 06/09/2014.	
PTC		
Not.Cred.	Minute Order of 06/09/2014 set this status hearing for the filing of the Second Account.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 09/14/2015
		Updates:
		Recommendation:
		File 4 – Maffeo

5 Kathryn Isabel Coronel Maffeo (GUARD/E) Case No. 12CEPR00543

Attorney Horton, Lisa (for Marleen Coronel Maffeo – Guardian)

Probate Status Hearing Re: Filing Second Accounting

	MARLEEN C. MAFFEO , Mother, was appointed Guardian of the Estate with bond of \$335,000.00 on 7-18-12.	NEEDS/PROBLEMS/COMMENTS: 2. Need Second Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	Bond was filed 9-12-12.	
Cont. from		
Aff.Sub.Wit.	Additional Bond was filed on 06/24/2014.	
Verified		
Inventory	First Account was filed on 06/09/2014.	
PTC		
Not.Cred.	Minute Order of 06/09/2014 set this status hearing for the filing of the Second Account.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 09/14/2015
		Updates:
		Recommendation:
		File 5 – Maffeo

Attorney: Catherine A. Amador (for former Conservators of the estate and current conservators of the person Manuel Chavez and Susan Chavez-Leon)

Attorney: Heather H. Kruthers (for current Conservator of the estate, Public Guardian)

Sixth Amended First Account and Report of Conservators; Petition for Allowance of Fees to Attorney for Conservators.

		MANUEL CHAVEZ , father, and SUSAN CHAVEZ-LEON , sister, Co-Conservators of the Person and Estate, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: Continued from 6/24/15. Minute order states the Court Orders Ms. Amador to file any additional papers that may assist the Court in ruling on the Sixth Amended First Account by 9/2/15. The Court further orders the Public Guardian to review the Sixth Amended Account and make any and all recommendations to the Court regarding its settlement and/or surcharges to be imposed against the former conservators, and to file said report by 9/2/15. As of 9/10/15 no additional documents have been filed. Note: Manual Chavez and Susan Chavez-Leon were removed as Co-Conservators of the Estate and the Public Guardian appointed by minute order dated 12/11/15. 1. Upon cursory review, the sixth amended first account does not balance. Charges total \$321,123.66 and Credits total \$317,826.30. Property on hand at the end of the account period totals \$237,282.98. Therefore examiner has not reviewed the rest of the pleadings.
Cont. from 062415			
Aff.Sub.Wit.			
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Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 9/10/15	
		Updates:	
		Recommendation:	
		File 6 - Chavez	

DOD: 8/24/12		<p>CAROL GOULART, Executor with Full IAEA without bond, is Petitioner.</p> <p>I&A: \$1,850,310.00 consisting of various real property interests</p> <p>Petitioner states that since the Executor is not yet in a position to close and distribute the estate, she has filed this Report of Administration. The beneficiaries according to the decedent's will are Petitioner and her brother Anthony Teixeira.</p> <p>Creditor's Claims have been filed by State of California Franchise Tax Board, California Home for the Aged, and Pharmerica. The Executor also filed, but subsequently withdrew, a Creditor's Claim on her own behalf. Petitioner believes the amount owed to the California Franchise Tax Board is not nearly as much as asserted on the claim, and Executor is attempting to put together Decedent's tax records to show that. The other two claims have been rejected by the Executor pursuant to applicable law, and the creditors did not file suit thereafter; therefore, the claims are now barred.</p> <p>Petitioner states that unless she can prove a lesser amount is owing, the amount of tax debt is approximately \$19,500.00, plus interest. Executor intends to waive her statutory commission, and her attorney's commission will amount to approximately \$31,500.00. Expenses of administration will amount to approximately \$3,500.00. Assuming no extraordinary fees are incurred in the ongoing administration, it appears the cash needed to meet debts and administrative expenses will be approximately \$54,500.00.</p> <p>Petitioner states she has engaged in discussion with her uncles, who each own an undivided interest in the real property in Santa Clara, with respect to one or the other or both of them purchasing the estate's interest in the property, which would be more than ample to meet the administrative cash requirements of the estate and facilitate distribution of the estate between the beneficiaries. Executor therefore seeks more time to work out a deal or to otherwise borrow against the estate's interest or possibly file a partition action to force a sale of the real estate.</p> <p>Petitioner states keeping the estate open over the near-term is not harmful to the estate or beneficiaries and will allow Petitioner time to compile the delinquent income taxes and come up with a way to generate sufficient liquidity to enable the settlement and final distribution thereof.</p> <p>Petitioner prays for an order that administration continue for a period of six months, after which time a Petition for Distribution or a Status Report will be filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This first "Report of Status" was filed 9/5/14 and cont. to 9/16/15.</p> <p>On 3/4/15, Petitioner filed a "Second Report of Status" that was cont. to 9/16/15.</p> <p><u>Therefore, Please see Page B for more recent information.</u></p>	
Cont. from 101614, 031215				
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

DOD: 8/24/12		<p>CAROL GOULART, Executor with Full IAEA without bond, is Petitioner.</p> <p>I&A: \$1,850,310.00 consisting of various real property interests.</p> <p>Petitioner states the estate is not yet in a position to close, but she has made significant progress toward that objective and she believes she will complete the tasks which will allow her to file a Petition for distribution in the near-term. The estate owns a 1/6 undivided interest in real property in Santa Clara, and the majority owners are negotiating a private sale of the property. Should the sale occur, the estate would be in possession of ample funds to pay the FTB claim and administration expenses to close the estate. If the property does not sell in the near-term, one of the co-owners is willing to advance funds to the estate for administrative expenses and debt and to treat the funds as an advance against the estate's share of the sale proceeds. Keeping the estate open in the near-term is not harmful to the estate or beneficiaries and Petitioner expenses to have completed tax returns and collected funds to pay delinquent tax within the next 90 days.</p> <p>Petitioner prays for an order that the administration of the estate continue for a period of three months after which time the petition either file a petition for distribution or subsequent status report.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Update: Status Report filed 9/15/15 states the estate is not yet in a position to close. See report for details.</p>	
Cont. from 042015				
	Aff.Sub.Wit.			
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	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: skc</p> <p>Reviewed on: 9/11/15</p> <p>Updates: 9/15/15</p> <p>Recommendation:</p> <p>File 7B - Teixeira</p>				

DOD: 9/26/13	LIANA M. WAITE , Daughter, was appointed Administrator with Will Annexed with Full IAEA without bond on 7/15/14. Letters issued 7/17/14.	NEEDS/PROBLEMS/COMMENTS: 1. Need first account or petition for final distribution. 2. Examiner notes the following additional details with regard to the status report: The intestate heirs to this estate <i>would have been</i> the decedent's seven children. However, the status report describes that various heirs have disclaimed their interest in certain assets of the estate, some disclaiming their interest in all assets. First, Examiner is unaware of authority for disclaiming interest in only certain assets. <u>Second, pursuant to Probate Code §282, the issue of the various disclaimants are now heirs to the estate in their place.</u> Also, Administrator also describes that the estate consists of a residence valued at \$135,000 (encumbered for \$100,000) a vehicle valued at \$3,000 (subject to a secured loan for \$4,700), and misc. personal property, and states that the estate is insufficient to satisfy the various claims. Three of the decedent's daughters reside in the home and intend to purchase it upon court authorization. Administrator does not indicate if they are paying rent to the estate. Administrator states the vehicle loan was paid off by one of the daughters, and she is in the process of transferring the vehicle to that daughter under DMV guidelines. The Court may require clarification or authority for this proposed action, given the numerous claims against the estate. Further, it appears that some of the creditor's claims may have been paid in full, while others remain unpaid. First, Administrator is referred to Probate Code §9000 et seq., with regard to the process for approving or denying claims, and § The Court may require clarification with reference to Probate Code §11420(b) with regard to debt priority classes. In light of the above, Administrator may wish to review proposed actions with applicable Probate Code and duties.
Aff.Sub.Wit.	At the hearing on 7/15/14, the Court set this status hearing re filing the first account or petition for final distribution.	
Verified		
Inventory		
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Notice of Hrg	Status Report filed 9/4/15 states creditor's claims and notices of tax liens have been filed by the California Franchise Tax Board in connection unfiled personal and business tax returns of the decedent from 2010-2012. Administrator believes the tax liabilities will be substantially less than the claimed amounts once returns have been processed. Additional claims have also been filed, secured and unsecured.	
Aff.Mail		
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Duties/Supp		
Objections		
Video Receipt	Administrator describes the assets and states disclaimers have been filed by the various heirs with respect to certain assets. Administrator intends to file a request with the Court for permission to purchase the residential real property of the estate in joint tenancy with her sister. However, the estate is of insufficient value to satisfy all filed creditor's claims and tax liabilities.	
CI Report		
9202		
Order	Administrator has determined that the tax liens/liabilities must be resolved prior to preparation of a final petition, and requests that this matter be continued until late March 2016 for resolution of those tax liabilities.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: skc
Reviewed on: 9/11/15
Updates:
Recommendation:
File 8 - Sena

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
Aff.Sub.Wit.		
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		Reviewed by: skc
FTB Notice		Reviewed on: 9/11/15
		Updates:
		Recommendation:
		File 9 – Foster

Probate Status Hearing RE: First Account and Petition for Final Distribution

DOD: 4/6/07		<p>ELISA T. SIMPSON, Daughter, was appointed Administrator with Full IAEA without bond on 8/13/14. Letters issued 9/2/14.</p> <p>At the hearing on 8/13/14, the Court set this status hearing for the filing of the first account or petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution or written status report per Local Rule 7.5.</p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
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<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	<p>Reviewed by: skc</p> <p>Reviewed on: 9/11/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Escobar</p>	
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 9/11/14	<p>CLARK SMITH, Brother, was appointed Administrator with Full IAEA without bond on 10/27/14.</p> <p>The Court set status hearing for 3/2/15 for the filing of the Inventory and Appraisal, which was continued to 5/13/15.</p> <p>Status Report filed 6/23/15 states they are still in the process of reviewing and verifying all of the title information, etc., for the real property. An appraisal from a private firm is expected to take approx. 60 days; therefore, 90 days is requested to file the I&A in this matter.</p> <p>Partial I&A No. 1 was filed 9/8/15.</p> <p>Status Report filed 9/11/15 states a partial I&A was filed 9/8/15. The remainder of the estate consists of approx. 11,800 acres of land, some grazing land and some permanent crops, made up of approx. 30 parcels. Due to the large amount of acreage, it was necessary to order lot book guarantees from the title company to assure we get the correct title and legal descriptions of the acreage. The complete lot book guarantees were recently received and they are in the process of reviewing and verifying all of the information. The Administrator is also obtaining an appraisal from a private firm which could take an additional 30-60 days. Therefore, Attorney Hiyama requests continuance of this status hearing for at least 90 days to allow time to prepare and file the final I&A.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal pursuant to Probate Code §8800.</p>
Cont. from 030215, 051315		
Aff.Sub.Wit.		
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Inventory		
PTC		
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Notice of Hrg		
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UCCJEA		
Citation		
FTB Notice		

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 12/17/14		<p>ALENE Y. SOLEY, Surviving Spouse, was appointed Executor with Full IAEA without bond and Letters issued on 4/15/15.</p> <p>At the hearing on 4/15/15, the Court set this status hearing for the filing of the I&A.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 11/16/15</u></p> <p>Per Order dated 8/13/15</p>		
Aff.Sub.Wit.					
Verified					
Inventory					
PTC					
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Notice of Hrg					
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Duties/Supp					
Objections					
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CI Report					
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Status Rpt					
UCCJEA					
Citation					
FTB Notice					
			Reviewed by: skc		
			Reviewed on: 9/11/15		
			Updates:		
			Recommendation:		
			File 12 - Soley		

Petitioner Bishop B. Brown (Pro Per Petitioner, brother)

**Petition for Appointment of Probate Conservator of the Person
(Prob. C. 1820, 1821, 2680-2682)**

NO TEMPORARY REQUESTED			NEEDS/PROBLEMS/COMMENTS:
<p>BISHOP B. BROWN, brother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.</p> <p align="center"><i>~Please see Petition for details~</i></p> <p>Court Investigator's Report was filed on 4/22/2015.</p>			<p>Court Investigator Advised Rights on 4/9/2015.</p> <p>Continued from 6/10/2015. Minute Order states Mr. Brown requests a continuance to September in order to obtain the Capacity Declaration.</p> <p>The following issues from the last hearing remain:</p> <p>1. Petition requests medical consent powers. Need Medical Capacity Declaration (Judicial Council form GC-335) in support of Petitioner's request pursuant to Probate Code § 1890(c).—Capacity Declaration filed 9/15/2015 supports request.</p> <p align="center"><i>~Please see additional page~</i></p>
<p>Cont. from 042915, 061015</p>			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	Cap. Dec.	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<p>Reviewed by: LEG</p> <p>Reviewed on: 9/10/15</p> <p>Updates: 9/15/15</p> <p>Recommendation:</p> <p>File 13 - Brown</p>			

13 Additional Page, Jerome Tracy Brown (CONS/P) Case No. 15CEPR00277

NEEDS/PROBLEMS/COMMENTS, continued:

2. Need Conservatorship Video Viewing Certificate pursuant to Local Rule 7.15.9(A). Petitioner can visit the Court's website @ <http://www.fresno.courts.ca.gov/Probate/conservatorship> which provides a link to view the video and printable receipt for viewing by Petitioner that must be filed with the Court.—*Filed 9/15/2015.*

Attorney Petty, Teresa B. (for Petitioner Linda L. Inman, daughter)

Attorney Bagdasarian, Gary G. (for Diana Inman, Objector/Competing Petitioner)

**Petition for Letters of Administration; Authorization to Administer Under
IAEA (Prob. C. 8002, 10450)**

DOD: 1/23/2015	LINDA L. INMAN , daughter, is Petitioner and requests appointment as Administrator with bond set at \$215,000.00 .	NEEDS/PROBLEMS/COMMENTS: Continued from 8/5/2015. Minute Order states parties agree to Bruce Bickel petitioning in this matter. If Mr. Bickel's petition is filed at least two court days prior to 9/16/2015, then that hearing will come off calendar and the competing petitions will be moved to the date given to Mr. Bickel's petition. ~Please see additional page~
Cont. from 042915, 061015, 080515	Full IAEA — OK	
	Decedent died intestate.	
<input type="checkbox"/> Aff.Sub.Wit.	Residence — Fresno	
<input checked="" type="checkbox"/> Verified	Publication — Business Journal	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Estimated value of the Estate:	
<input type="checkbox"/> Not.Cred.	Real property - \$215,000.00	
<input checked="" type="checkbox"/> Notice of Hrg	Total - \$215,000.00	
<input checked="" type="checkbox"/> Aff.Mail W/	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Aff.Pub.	Contest of Appointment of Personal Representative was filed by Diana Inman on 5/27/2015.	
<input type="checkbox"/> Sp.Ntc.	Opposition to Diana Inman's Contest of Appointment of Personal Representative was filed by Linda Inman on 6/9/2015.	
<input type="checkbox"/> Pers.Serv.	Supplement to Contest of Appointment of Personal Representative and Response to Opposition was filed by Diana Inman on 7/15/2015.	
<input type="checkbox"/> Conf. Screen	Opposition to Diana Inman's Petition for Appointment as Personal Representative was filed by Linda Inman on 7/30/2015.	
<input checked="" type="checkbox"/> Letters	~Please see additional page~	
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: LEG
Reviewed on: 9/14/15
Updates:
Recommendation:
File 14A – Inman

Supplement to Contest of Appointment of Personal Representative, Response to Opposition, and Request for Waiver of Publication or Continuance of Hearing was filed by Diana Inman on 7/31/2015.

NEEDS/PROBLEMS/COMMENTS, continued:

1. Decedent was under Conservatorship of the Person and Estate, with Linda Inman (formerly Hansen) and Carol Lynne Inman as Co-Conservators appointed on 4/19/1991 in Case #237515. Accountings have been waived for the Conservatorship Estate since 5/26/1982, when only Linda Inman was Conservator. Need final account and petition to close the Conservatorship Estate to be filed **in Case #237515**, from Linda Inman and Carol Lynne Inman as Co-Conservators of the Estate.

Note: This matter remains on calendar for 9/16/2015 for the following reasons:

1. The *Minute Order* dated 8/5/2015 states that if Mr. Bickel's petition is filed at least two court days prior to 9/16/2015, then that hearing will come off calendar. *Stipulation to Appoint Administrator* was filed on 9/14/2015. Mr. Bickel has not filed a petition as contemplated by the Court; therefore, no future hearing dates will have been set for the administration of this estate as are typically set at the time of appointment of personal representative unless this matter remains on calendar on 9/16/2015 and the Court sets those status hearings.
2. The *Stipulation to Appoint Administrator* filed on 9/14/2015 is satisfactory for appointing Mr. Bickel as Administrator with full IAEA authority with bond of **\$215,000.00**; however, Mr. Bickel must file the following documents (in addition to filing proof of bond) prior to *Letters* being issued to him, pursuant to Local Rule 7.10.1 and Probate Code § 8404:
 - a. *Duties and Liabilities of Personal Representative* form;
 - b. *Confidential Supplement to Duties and Liabilities of Personal Representative* form.
3. Status Hearings for the administration of this estate shall be set by the Court as follows:
 - **Thursday, October 22, 2015 at 9:00 a.m. in Dept. 303** for filing proof of bond;
 - **Thursday, February 25, 2016 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
 - **Thursday, November 17, 2016 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

4. The issue remains regarding the closure of the *Conservatorship of the Person and Estate of Charlotte Inman*, which must be addressed, and for which the Court shall set a Status Hearing **in Case #237515** for the filing of the final account and petition to close the Conservatorship Estate by Co-Conservators of the Estate, **LINDA L. INMAN** and **CAROL LYNNE INMAN** to be filed **in Case #237515**:
 - **Thursday, October 22, 2015, at 9:00 a.m. in Dept. 303** for filing of the final account and petition to close the Conservatorship Estate.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Wednesday, September 16, 2015

Attorney Petty, Teresa B. (for Petitioner Linda L. Inman, daughter)

Attorney Bagdasarian, Gary G. (for Diana Inman, Objector/Competing Petitioner)

Petition for Letters of Administration with IAEA

DOD: 1/23/2015		DIANA INMAN , daughter, is Petitioner and requests appointment as Administrator with bond set at \$215,000.00 .	NEEDS/PROBLEMS/COMMENTS:
Cont. from 080515			<p align="center">OFF CALENDAR</p> <p align="center">Based upon filing of Stipulation to Appoint Administrator filed on 9/14/2015.</p> <p>Note: Substitution of Attorney filed 8/25/2015 shows Attorney Gary Bagdasarian now represents Diana Inman, who was formerly self-represented.</p> <p>Continued from 8/5/2015. Minute Order states parties agree to Bruce Bickel petitioning in this matter. If Mr. Bickel's petition is filed at least two court days prior to 9/16/2015, then that hearing will come off calendar and the competing petitions will be moved to the date given to Mr. Bickel's petition.</p> <p>2. Decedent was under Conservatorship of the Person and Estate, with Linda Inman (formerly Hansen) and Carol Lynne Inman as Co-Conservators appointed on 4/19/1991, Case #237515. Accountings have been waived for the Conservatorship Estate since 5/26/1982, when only Linda Inman was Conservator. Need final account and petition to close the Conservatorship Estate to be filed in Case #237515, from Linda Inman and Carol Lynne Inman as Co-Conservators of the Estate.</p> <p align="center"><i>~Issue raised on additional page omitted based upon Stipulation to Appoint filed 9/14/2015~</i></p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Full IAEA— Need publication	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Decedent died intestate.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
		Residence — Fresno	
<input type="checkbox"/>	Aff.Mail	X	
		Publication — Need	
<input type="checkbox"/>	Aff.Pub.	X	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

15A

Ariel Wagner (GUARD/P)

Case No. 15CEPR00511

Attorney
PetitionerKharazi, H. Ty (for Kathy and Ronald Robinson – Paternal Grandparents – Petitioners)
Rose, Emanuel and Betty (Pro Per – Maternal Grandparents – Competing Petitioners)
Petition for Appointment of Guardian of the Person (Prob. Code §1510)

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			<p><u>Minute Order 5/26/15</u>: Mr. and Mrs. Rose will be filing a competing petition, and counsel states that upon approval of that petitions, his clients will withdraw their petition. Temporary guardianship is granted to the Robinsons today with the understanding that the child will be residing in the Roses' home. The Court orders that there be no unsupervised visits for either parent.</p> <p>1. If this petition goes forward, need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Chambrosia Stevens-Wagner (Mother)</p> <p>Note: Petitioners filed a declaration of due diligence; however, the petition states she is known to be incarcerated in the LA County Jail.</p>
Cont. from 071515			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	X	
	Clearances	X	
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/11/15
			Updates:
			Recommendation:
			File 15A – Wagner

15A

15B

Ariel Wagner (GUARD/P)

Case No. 15CEPR00511

Attorney
PetitionerKharazi, H. Ty (for Kathy and Ronald Robinson – Paternal Grandparents – Petitioners)
Rose, Emanuel and Betty (Pro Per – Maternal Grandparents – Competing Petitioners)
Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 071515			<u>Note:</u> This competing petition will be CONTINUED TO 10/1/15 per request of Emanuel Rose.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		<u>Note:</u> The minor is currently residing with these Petitioners, Emanuel and Betty Rose, in Llano, California; however, Kathy and Ronald Robinson have temporary guardianship, expiring 9/16/15. See Minute Orders dated 5/26/15, 7/15/15.
<input type="checkbox"/>	Aff.Mail	X	1. Need Confidential Guardian Screening Form (GC-212) for both petitioners Emmanuel Rose and Betty Rose.
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Chambrosia Stevens-Wagner (Mother) - Joseph Grant Robinson (Father)
<input checked="" type="checkbox"/>	Conf. Screen	X	
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Ronald Robinson (Paternal Grandfather) - Kathy Robinson (Paternal Grandmother)
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	X	
<input type="checkbox"/>	Clearances	X	
<input checked="" type="checkbox"/>	Order		<u>Note:</u> Petitioners mailed service to the Robinsons' attorney, H. Ty Kharazi, on 6/4/15; however, direct notice is required on the relatives of the child in addition to service on counsel pursuant to Probate Code §§ 1511, 1214, Cal. Rule of Court 7.51.
<input type="checkbox"/>	Aff. Posting		Reviewed by: skc
<input type="checkbox"/>	Status Rpt		Reviewed on: 9/11/15
<input checked="" type="checkbox"/>	UCCJEA		Updates:
<input type="checkbox"/>	Citation		Recommendation:
<input type="checkbox"/>	FTB Notice		File 15B - Wagner

15B

**16A Isaiah Mobley, Tristen Olivarez, and
Ashton Olivarez (GUARD/P)**

Attorney Ma, Stanley S. (for Richard Olivarez and Rosemary Olivarez – Petitioners - Paternal Grandparents)
Objector Esparza, Theresa (Pro Per – Maternal Grandmother)

Case No. 15CEPR00532

Petition for Appointment of Guardianship of the Person

Isaiah, 10	TEMPORARY EXTENDED TO PRESERVE THE STATUS QUO; EXPIRES 09/16/2015		NEEDS/PROBLEMS/COMMENTS:
Tristen, 8			Page 16B is the competing petition filed by Theresa Esparza, maternal Grandmother.b
Ashton, 4	RICHARD OLIVAREZ and ROSEMARY OLIVAREZ, paternal grandparents of Tristen and Ashton, are Petitioners.		1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
Cont. from 072115	<u>Please see petition for details</u>		<ul style="list-style-type: none"> Ronald Mobley (Father of Isaiah) – Unless the court dispenses with notice.
<input type="checkbox"/> Aff.Sub.Wit.			Note: Declaration of Due Diligence filed 09/09/2015 states the father was served on 07/01/2015, the same process server was used to serve the father with the notice of hearing for 09/16/2015 with no success. 07/01/2015 was the last contact through the process server. Attached is a Due Diligence Attempted Service of Ronald Mobley listing several attempts at service.
<input checked="" type="checkbox"/> Verified			<ul style="list-style-type: none"> Francine Esparza (Mother) – Unless the Court dispenses with notice
<input type="checkbox"/> Inventory			Note: Declaration of Due Diligence filed 09/09/2015 states the father was served on 07/01/2015, the same process server was used to serve the father with the notice of hearing for 09/16/2015 with no success. 07/01/2015 was the last contact through the process server. Attached is a Due Diligence Attempted Service of Ronald Mobley listing several attempts at service.
<input type="checkbox"/> PTC			<u>Please see additional page</u>
<input type="checkbox"/> Not.Cred.			Reviewed by: LV
<input checked="" type="checkbox"/> Notice of Hrg			Reviewed on: 09/14/2015
<input checked="" type="checkbox"/> Aff.Mail	w/o		Updates:
<input type="checkbox"/> Aff.Pub.			Recommendation:
<input type="checkbox"/> Sp.Ntc.			File 16A – Mobley & Olivarez
<input type="checkbox"/> Pers.Serv.	x		
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

16A

Dept. 303, 9:00 a.m. Wednesday, September 16, 2015

Needs/Problems / Comments (continued):

2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:

- Paternal Grandfather (Unknown of Isaiah) – Unless the Court dispenses with notice.

Note: Declaration of Due Diligence filed 09/09/2015 states the petitioners were unable to locate the paternal grandfather and has had no contact with the paternal grandfather.

- JoAnn Mobley (Paternal Grandmother of Isaiah) – Unless the Court dispenses with notice.

Note: Declaration of Due Diligence filed 09/09/2015 states petitioner was not able to locate Ms. Mobley. Petitioner has never had contact with this individual.

3. Notice of Hearing filed 09/09/2015 does not indicate that a copy of the petition was served on the following individuals as required:

- Theresa Esparza
- Micole Esparza
- Larissa Esparza
- Isaac Esparza aka Isache Esparza

**16B Isaiah Mobley, Tristen Olivarez, and
Ashton Olivarez (GUARD/P)**

Case No. 15CEPR00532

Attorney Ma, Stanley S. (for Richard Olivarez and Rosemary Olivarez – Competing Petitioners - Paternal Grandparents)

Petitioner Esparza, Theresa (Pro Per – Petitioner/Objector -Maternal Grandmother)

Petition for Appointment of Guardianship of the Person

		THERESA ESPARZA , maternal grandmother is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Ronald Mobley (Father) • Francine Esparza (Mother) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Richard Olivarez (Temporary Guardian/Paternal Grandfather of Tristan & Ashton) • Rosemary Olivarez (Temporary Guardian/Paternal Grandmother of Tristan & Ashton) • Paternal Grandfather of Isaiah (Unknown) • JoAnn Mobley (Paternal Grandmother of Isaiah) • Isaac Esparza (Maternal Grandfather) • Siblings over 12 years of age
		RICHARD OLIVAREZ and ROSEMARY OLIVAREZ , were appointed temporary guardians, temporary expires 09/16/2015.	
Cont. from		<p align="center"><u>Please see petition for details</u></p>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 09/14/2015
			Updates:
			Recommendation:
			File 16B – Mobley & Olivarez

16B

Attorney Kruthers, Heather H. (for Public Guardian – Petitioner)
 Attorney Teixeira, J. Stanley (Court appointed for proposed Conservatee)
 Attorney Petty, Teresa B., in association with Horton, Lisa M. (for Robert Renovato – Objector)
 Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			CONTINUED TO 9/24/15
Cont from 070115, 072915			Per Minute Order 7/29/15, to meet up with new petition filed by Kenneth A Kearns. Letters to Public Guardian also extended to 9/24/15.
<input type="checkbox"/>	Aff.Sub.Wit.		Court Investigator advised rights on 6/19/15
<input checked="" type="checkbox"/>	Verified		Voting rights affected – need minute order
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/11/15
			Updates:
			Recommendation:
			File 17A – Walters

18 Consepsion R. Jaurigue (CONS/PE) Case No. 15CEPR00637

Attorney Bagdasarian, Gary G. (for Corina Jaurigue – Petitioner – Granddaughter)

Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)

Objector Tabarez, Christina (Pro Per- Objector/Competing Petitioner - Daughter)

Petition for Appointment of Probate Conservator of the Person & Estate

		CORINA JAURIGUE , granddaughter is petitioner, and requests appointment as Conservator of the person, with medical consent, and dementia powers to administer dementia medication, and for appointment as Conservator of the Estate with bond set at \$15,000.00. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: Note: Competing petition was filed by Christina Tabarez, daughter, on 08/26/2015. Hearing is set for 10/01/2015. Declarations of Oppositions filed 08/26/2015 are included on additional page 2 and 3. Minute Order of 07/29/2015: Mr. Bagdasarian withdraws the request as to the estate; will proceed as to the person only. Any written objections are to be filed and properly served by 08/26/2015, with replies being due by 09/09/2015. Should objections not be properly filed, the Court reserves the right not to consider them in court. Court Investigator Advised Rights on 07/13/2015. Voting Rights Affected Need Minute Order. 1. Need Capacity Declaration. Note: A capacity declaration filed on 06/29/2015 was signed by physician's assistant and not a medical doctor. 2. Need proof of service at least fifteen (15) days before the hearing of the Notice of Hearing with a copy of the Petition for Appointment of Conservator for: <ul style="list-style-type: none">• Antonio Jaurigue• Enrique Jaurigue• Ana Moreno	
Cont. from 072915				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			w/
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input checked="" type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: LV				
Reviewed on: 09/15/2015				
Updates:				
Recommendation:				
File 18 – Jaurigue				

Attorney Hubbell, Marlene A. (for Petitioner Steven L. Chavez, Trustee)

**Petition Seeking Order(s) Passing on Act(s) of Attorney-in-Fact, and/or
Disobeying Principal's Instruction(s), and/or Affirming Real Property Title
Passing by Non-Probate Transfer**

Paul Moreno DOD: 6/27/2010	STEVEN L. CHAVEZ , son and Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 8/19/2015. Minute Order states Counsel lodges an order in open court. The Court indicates it is inclined not to grant the request. Ms. Hubbell represents that she will file an amended petition; 9/16/2015 hearing will come off calendar if said amended petition is filed. Note: Case file contains 3 alternative proposed orders: (1) passing on the acts of Fidela Moreno as Attorney-in-Fact and affirming the transfer of title to the real property; <u>or</u> (2) only affirming transfer of title to Fidela Moreno as a valid non-probate transfer; <u>or</u> (3) denying the petition without prejudice. ~Please see additional page~
Cont. from 081915	Petitioner states:	
<input type="checkbox"/> Aff.Sub.Wit.	<ul style="list-style-type: none"> Petitioner is the Trustee of the MORENO FAMILY GRANTOR TRUST established 7/23/2014 by Trustor FIDELA M. MORENO, widow of PAUL C. MORENO (copy of Trust attached as Exhibit A); On 9/16/2009, Fidela was appointed as Attorney-in-Fact for Paul under a Durable Power of Attorney – General (copy of POA attached as Exhibit B); This <i>Petition</i> concerns real property located on Cardinal Lane in Squaw Valley, title to ½ of which is recorded in Petitioner's name, but the chain of title has been questioned and the property cannot be sold or otherwise transferred by Petitioner without seeking appropriate orders from this Court; EDDIE LOPEZ and YOLANDA LOPEZ are co-owners of a ½ interest in the property and desire to purchase the ½ interest held by Petitioner; Petitioner seeks orders which affirm and establish title to the ½ interest in the property held by Petitioner; Petitioner also seeks orders which pass on the acts of Fidela M. Moreno as Attorney-in-Fact for her former spouse Paul C. Moreno in effecting inter vivos transfer of his joint tenancy interest in the property to herself, including approval (if necessary) to disobey the principal's instructions pursuant to Probate Code § 4234(b); In the alternative, if the acts of Fidela M. Moreno as Attorney-in-Fact are not approved, then Petitioner seeks orders to affirm and establish Fidela M. Moreno's ½ title interest in the property as passing by way of joint tenancy non-probate transfer to her as the surviving joint tenant; 	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

~Please see additional page~

Reviewed by: LEG
Reviewed on: 9/11/15
Updates:
Recommendation:
File 19 – Moreno

Petitioner states, continued:

- The written Power of Attorney appointing Fidela grants broad authority to grant, transfer or convey real property; the Power of Attorney does not contain an express grant of authority for the Attorney-in-Fact to give gifts to him or herself [language citations omitted];
- On 4/8/1981, Paul and Fidela acquired by Grant Deed an undivided ½ interest in the subject property as "husband and wife as joint tenants" (copy of Grant Deed attached as Exhibit D);
- Since 2009, the property has remained unoccupied and has not produced any income;
- On 12/3/2009, Fidela transferred by Grant Deed both her and Paul's joint tenancy interests in the property to Fidela "as her sole and separate property," executing the Grant Deed acting as the Attorney-in-Fact for Paul (copy of Grant Deed attached as Exhibit E);
- This transfer broke the joint tenancy in which the property had been held;
- The 12/3/2009 Grant Deed cannot be cancelled, rescinded or set aside in the chain of title; absent a showing of fraud, a deed cannot be set aside and any complaining party's sole remedy is an action to recover damages;
- There are no known allegations of fraud related to the 12/3/2009 Grant Deed by anyone who has or may have an interest in the portion of the property in question;
- The 12/3/2009 Grant Deed recites the transfer was "out of love and affection," which qualifies as adequate consideration, constituting "good consideration" in transfers by deed;
- Had the 12/3/2009 transfer of Paul's undivided interest in the property not taken place, the property interest would have transferred to Fidela upon Paul's death by operation of law, from deceased joint tenant to the surviving joint tenant, Fidela;
- On 12/3/2009, Fidela next transferred by Grant Deed her sole and separate interest in the property to Fidela as Trustee of the **FIDELA M. MORENO LIVING TRUST** (copy of Grant Deed attached as Exhibit F);
- On 7/23/2014, Fidela as Trustee of Fidela's Trust transferred the property to Fidela M. Moreno, a widow (copy of Grant Deed attached as Exhibit G);
- On 7/24/2014, Fidela, a widow, transferred an undivided 1/8th interest in the property to Petitioner in his capacity as Trustee of the **MORENO FAMILY GRANTOR TRUST** (copy of Grant Deed attached as Exhibit H);
- On 7/25/2014, Fidela, a widow, transferred an undivided 1/8th interest in the property to Petitioner in his capacity as Trustee of the **MORENO FAMILY GRANTOR TRUST** (copy of Grant Deed attached as Exhibit I);
- On 7/26/2014, Fidela, a widow, transferred an undivided 1/8th interest in the property to Petitioner in his capacity as Trustee of the **MORENO FAMILY GRANTOR TRUST** (copy of Grant Deed attached as Exhibit J);
- On 7/28/2014, Fidela, a widow, transferred an undivided 1/8th interest in the property to Petitioner in his capacity as Trustee of the **MORENO FAMILY GRANTOR TRUST** (copy of Grant Deed attached as Exhibit K);
- These 4 transfers of 1/8 interest each, were made for the purpose of divesting Fidela of any interest in assets or their value, which would disqualify her from receiving Medi-Cal benefits, for which she subsequently applied, received, and continues presently to receive and rely on to her benefit;
- Per Probate Code § 4231.5(b) [text omitted], since the only "liability" which could arise from the 12/3/2009 act of Fidela in her capacity as Attorney-in-Fact would be liability to herself as the joint surviving tenant, Petitioner asks the Court to find that Fidela acted reasonably and in good faith under the circumstances known only to her and excuse any "liability" she may have as an agent to herself as a surviving joint tenant;

~Please see additional page~

Petitioner states, continued:

- Petitioner asks the Court find that Fidela was not in violation of her fiduciary duties with regards to the 12/3/2009 Grant Deed, whereas Paul Moreno's interest would have nonetheless transferred to her by operation of law upon his death;
- With Court approval, the attorney-in-fact may disobey instructions of the principal (Probate Code § 4234(b); Petitioner asks the Court to approve the 12/3/2009 transfer of interest in the property to herself as an individual despite that no such express authority appears in or was given as an authorizing instruction in the Power of Attorney;
- Petitioner holds record title to a ½ interest in the property and desires to sell the property interest to co-owners, **EDDIE LOPEZ** and **YOLANDA LOPEZ**, who desire to purchase the property at a previously-appraised and mutually agreed-upon value;
- However, the title company presently holding an open escrow refuses to issue a policy of title insurance to the Lopez buyers without a Court order addressing the 12/3/2009 transfer by Attorney-in-Fact Fidela Moreno, contending the transfer appears "self-interested";
- A separate proceeding was commenced on 2/3/2015 by co-owners Eddie Lopez and Yolanda Lopez (15CECG00356) which does not seek to quiet title to the property but only seeks judicial determination of the validity of the 12/3/2009 Grant Deed, Partition by Sale of the Subject Property and a "determination of the interests according to the respective rights of the parties" (see *Request for Judicial Notice* filed 7/8/2015);
- Co-owners Eddie Lopez and Yolanda Lopez are not requesting abatement of this Petition pursuant to Probate Code § 854 and protracted litigation is unnecessary, with the Petition presenting as the most economical and expedient means of resolution of the transfer in question.

Petitioner requests an Order:

1. Passing on the acts of and affirming Fidela Moreno's 12/3/2009 transfer of Paul Moreno's interest in the property to Fidela Moreno by the power vested in her as Attorney-in-Fact for Paul Moreno, finding that Fidela Moreno acted reasonably and in good faith under the circumstances known only to her and is excused from any liability she may have as an agent;
2. Finding that Fidela Moreno was not in violation of her fiduciary duties as Attorney-in-Fact for Paul Moreno with regards to the 12/3/2009 Grant Deed executed by her as his Attorney-in-Fact;
3. Passing on the acts of and affirming Fidela Moreno's 12/3/2009 transfer of Paul Moreno's interest in the property to Fidela Moreno despite that this power was not expressly provided for in, or which was in disobedience of instructions in, the durable Power of Attorney – General executed by Paul Moreno; and
4. Affirming Fidela Moreno's title as the surviving joint tenant to the portion of the property held by Paul Moreno upon his death as a valid non-probate transfer of title.

NEEDS/PROBLEMS/COMMENTS, continued:

1. Pursuant to Probate Code § 17201, *Petition* does not but should state the names and addresses of each trust beneficiary and all persons entitled to notice of the *Petition*. *Proof of Service by Mail* filed 7/8/2015 shows service was made on 7/8/2015 to 5 persons whose names should be identified in the *Petition*, and to Attorney **ROBERT C. ABRAMS**.
2. Petition explains that the 4 transfers of 1/8 interest each in the real property were made for the purpose of divesting Fidela of any interest in assets or their value, which would disqualify her from receiving Medi-Cal benefits. The explanation for the close succession of transfers made to avoid disqualifying Fidela Moreno from Medi-Cal benefits does not provide adequate explanation for future recoupment by Medi-Cal.

Attorney Shumate, Mary D., of Nevada (licensed to practice in CA) (for Petitioner Sharon Massengale, daughter)
 Attorney Helon, Marvin T. (Court-appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person & Estate

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		SHARON MASSENGALE , daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and of the Estate [bond requirement is not addressed.]	Court Investigator Advised Rights on 9/10/2015.
Cont. from			Voting Rights Affected – Need Minute Order.
	Aff.Sub.Wit.		
✓	Verified	Estimated Value of the Estate: Personal property/income - Unknown	1. Item 1(c) of the <i>Petition</i> is incomplete regarding bond, and Item 3(e) of the <i>Petition</i> states the estimated value of property is unknown, referring in item (f) to "lawsuit settlement?" It is unclear what basis Petitioner relies upon for seeking conservatorship of the estate. Need clarification. 2. Need <i>Citation for Conservatorship</i> pursuant to Probate Code § 1823, and proof of personal service of the <i>Citation</i> on the proposed Conservatee with a copy of the <i>Petition for Appointment of Probate Conservator</i> pursuant to Probate Code § 1824. ~Please see additional page~
	Inventory	Need Capacity Declaration	
	Cap. Dec.	X	
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	X	
	FTB Notice		
		Court Investigator's Report was filed on 9/11/2015.	
		~Please see Petition for details~	
			Reviewed by: LEG
			Reviewed on: 9/14/15
			Updates:
			Recommendation:
			File 20 – Patton

NEEDS/PROBLEMS/COMMENTS, continued:

3. Need *Notice of Hearing* and proof of service by mail of the notice with a copy of the *Petition for Appointment of Probate Conservator* showing notice was mailed at least 15 days before the hearing pursuant to Probate Code § 1822 for the following relatives named in the *Petition* pursuant to Probate Code § 1822(b)(2):
 - **Jeannie Patton**, daughter; if whereabouts unknown, need diligence per Item 3(f)(1), to be described in an Attachment 3f(1).
 - **Sandra Massengale**, granddaughter;
 - **Michael Massengale**, grandson;
 - **Rodney Massengale**, grandson;
 - **Darren Henry**, grandson.
4. *Petition* requests medical consent powers. Need *Medical Capacity Declaration* in support of Petitioner's request pursuant to Probate Code § 1890(c).
5. Need *Conservatorship Video Viewing Certificate* pursuant to Local Rule 7.15.9(A). Petitioner can visit the Court's website @ <http://www.fresno.courts.ca.gov/Probate/conservatorship> which provides a link to view the video and printable receipt for viewing that must be filed with the Court.

Note: If *Petition* is granted, Court will set status hearings as follows:

- **Thursday, October 15, 2015 at 9:00 a.m. in Dept. 303** for filing proof of bond or receipt for blocked account;
- **Thursday, January 28, 2016 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Thursday, November 17, 2016 at 9:00 a.m. in Dept. 303** for filing of first account of the conservatorship.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Pro Per Petitioner De Los Santos, Anthony Lupe (Pro Per Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		<u>General Hearing set for 11/2/2015</u>	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 9/9/2015.</u> Minute Order states Petitioner reports that the minor was taken by the police and returned to the mother a week-and-a-half ago. Furthermore, he represents that the mother was served, but he did not know he had to file the proof of service; matter is short-set in order for the defects to be cured.										
		ANTHONY DE LOS SANTOS , maternal grandfather, is Petitioner.											
		~Please see Petition for details~	The following issues from the last hearing remain: 1. Need Notice of Hearing and proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, for: <ul style="list-style-type: none"> • Ulissa De Los Santos, mother, if Court does not find due diligence; Declaration states the Petitioner submitted the address of where the mother and child are staying to the Fresno Police Dept. • Father. 2. Need Attachment 3 explaining the affirmative answer to Item 3 of Petitioner's Confidential Guardian Screening form filed 8/31/2015.										
Cont. from 090915													
	Aff.Sub.Wit.		<table border="1"> <tr><td colspan="2">Reviewed by: LEG</td></tr> <tr><td colspan="2">Reviewed on: 9/14/15</td></tr> <tr><td colspan="2">Updates:</td></tr> <tr><td colspan="2">Recommendation:</td></tr> <tr><td colspan="2">File 21 – De Los Santos</td></tr> </table>	Reviewed by: LEG		Reviewed on: 9/14/15		Updates:		Recommendation:		File 21 – De Los Santos	
Reviewed by: LEG													
Reviewed on: 9/14/15													
Updates:													
Recommendation:													
File 21 – De Los Santos													
✓	Verified												
	Inventory												
	PTC												
	Not.Cred.												
	Notice of Hrg	X											
	Aff.Mail												
	Aff.Pub.												
	Sp.Ntc.												
	Pers.Serv.	X											
✓	Conf. Screen												
✓	Letters												
✓	Duties/Supp												
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